

HOUSE BILL NO. 157

INTRODUCED BY HAINES

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE REQUIREMENT FOR PROCUREMENT AND SALE OF ARTWORK FOR A MIGRATORY BIRD STAMP; REQUIRING THAT FUNDS RECEIVED FROM THE SALE OF MIGRATORY GAME BIRD LICENSES BE EXPENDED FOR THE PROTECTION, CONSERVATION, AND DEVELOPMENT OF WETLANDS IN MONTANA; PROVIDING THAT MIGRATORY GAME BIRD HUNTERS MUST BE REPRESENTED ON THE ADVISORY COUNCIL THAT REVIEWS PROPOSALS FOR EXPENDITURE OF THE FUNDS; AMENDING SECTIONS 2-15-3405, 87-1-601, AND 87-2-411, MCA; REPEALING SECTION 87-2-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 2-15-3405, MCA, is amended to read:

**"2-15-3405. Appointment of wetlands protection advisory council.** (1) The director of fish, wildlife, and parks shall appoint an advisory council pursuant to 2-15-122 to review proposals developed by the department of fish, wildlife, and parks ~~which~~ that involve the use of money received by the department under ~~87-2-412~~ 87-2-411 for the protection, conservation, and development of wetlands in Montana.

(2) Members must be appointed to the advisory council who represent Montana ~~sportsmen~~ sports-interested persons MIGRATORY GAME BIRD HUNTERS, nonconsumptive users of wildlife, and the agricultural industry."

**Section 2.** Section 87-1-601, MCA, is amended to read:

**"87-1-601. Use of fish and game money.** (1) (a) Except as provided in subsection (7), all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund

1 to the credit of the department.

2 (c) All interest earned on money from the following sources must be placed in the state special revenue  
3 fund to the credit of the department:

4 (i) the general license account;

5 (ii) the license drawing account;

6 (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, ~~87-2-412~~  
7 87-2-411, 87-2-722, and 87-2-724; and

8 (iv) money received from the sale of any other hunting and fishing license.

9 (2) ~~The~~ Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set  
10 apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized  
11 to be made by the department under the terms of this title. The money described in subsection (1) must be spent  
12 for those purposes by the department, subject to appropriation by the legislature.

13 (3) Any reference to the fish and game fund in this code means fish and game money in the state  
14 special revenue fund and the federal special revenue fund.

15 (4) Except as provided in subsections (7) and (8), all money collected or received from fines and  
16 forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and  
17 game laws under Title 87 must be deposited by the department of revenue and credited to the department in  
18 a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the  
19 fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in  
20 which the fine is not imposed in addition to the costs of prosecution.

21 (5) (a) Money must be deposited in an account in the permanent fund if it is received by the department  
22 from:

23 (i) the sale of surplus real property;

24 (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department  
25 except royalties or other compensation based on production; and

26 (iii) leases of interests in department real property not contemplated at the time of acquisition.

27 (b) The interest derived from the account, but not the principal, may be used only for the purpose of  
28 operation, development, and maintenance of real property of the department and only upon appropriation by  
29 the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws  
30 or state statutes specifically naming the department or money received by the department, then the use of this

1 money must be limited in the manner, method, and amount to those uses that do not result in a violation.

2 (6) Money received from the collection of license drawing applications is not subject to the deposit  
3 requirements of 17-6-105. The department shall deposit license drawing application money within a reasonable  
4 time after receipt.

5 (7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806,  
6 or rules adopted under 77-1-804 must be deposited in the state general fund.

7 (8) The department of revenue shall deposit in the state general fund one-half of the money received  
8 from the fines pursuant to 87-1-102."

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10 **Section 3.** Section 87-2-411, MCA, is amended to read:

11 **"87-2-411. License required to hunt migratory game birds -- fees -- disposition of proceeds. (1)**

12 ~~It is unlawful for any~~ A person 16 years of age or older ~~to~~ may not hunt migratory game birds without first having  
13 obtained a valid migratory bird license from the department. The fee for a resident to purchase the license is \$5.  
14 The fee for a nonresident to purchase the license is \$50.

15 (2) Money received from the sale of migratory game bird licenses must be deposited in an account in  
16 the state special revenue fund for the use of the department and may be expended only for the protection,  
17 conservation, and development of wetlands in Montana."

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19 NEW SECTION. Section 4. Repealer. Section 87-2-412, MCA, is repealed.

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21 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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